

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JAMES DOMINGO and DOROTHY
DOMINGO,

2:11-CV-1459 JCM (GWF)

Plaintiffs,

v.

BAC HOME LOAN SERVICING, LP,
et al.,

Defendants.

ORDER

17 Presently before the court is defendants BAC Home Loan Servicing, LP, et. al.'s motion to
18 dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). (Doc. #2). Defendants filed their
19 motion on September 9, 2011. Plaintiffs James and Dorothy Domingo were required to respond by
20 September 26, 2011. (Doc. #2). Plaintiffs have failed to file a response.

21 Pursuant to Nevada Local Rule 7-2(d), “the failure of an opposing party to file points and
22 authorities in response to any motion shall constitute a consent to the granting of the motion.” *See*
23 *also U.S. v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979). However, the court will not automatically
24 grant every unopposed motion. In *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995), the Ninth
25 Circuit held that the court had to weigh the following factors before dismissing the action: (1) the
26 public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its docket; (3)
27 the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases of their

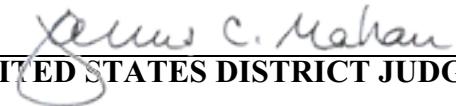
1 merits; and (5) the availability of less drastic sanctions.

2 In light of the plaintiff's failure to respond and weighing the factors identified in *Ghazali*,
3 the court finds dismissal appropriate.

4 Accordingly,

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants' motion to
6 dismiss (doc. #2) be, and the same hereby is, GRANTED.

7 DATED October 19, 2011.

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10 UNITED STATES DISTRICT JUDGE

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